

LS 5-1524

OGC Has Reviewed

13 July 1955

MEMORANDUM FOR: Deputy Chief, SR/Admin

SUBJECT : Entitlement of Dependents to Per Diem

1. In a recent telephone conversation you inquired as to the entitlement of dependents to draw per diem in lieu of subsistence when in a travel status incident to the movement of an employee of this Agency. Specifically, you wished to know the extent of this entitlement when the employee is transferred between two duty stations (a) both of which are within the continental United States, its territories or possessions, or (b) when one or both are in foreign areas.

STATOTHR

3. Where the employee is transferred between two stations, both of which are within the United States, its territories or possessions, the entitlement of the dependent to reimbursement for travel and/or transportation expenses is to be sought in the complementary Administrative Expense Act of 1946 (P.L. 600, 79th Congress), as amended, and regulatory issuances thereunder. Of these, the most recent is Executive Order 10196, 22 December 1950, which provides, in Section 3: "The transportation of the immediate family of an employee shall be subject to those provisions of the Standardized Government Travel Regulations which relate to transportation Although other regulatory provisions have been changed from time to time, the above-quoted phrasing has been unvarying for a considerable period, and it was construed in 25 Comp. Gen. 268, 7 September 1945, as not authorizing the payment of per diem to dependents accompanying an employee upon transfer. In reaching his decision that such was

the purport of the regulatory language, the Comptroller General cited an earlier opinion of his office, 21 Comp. Gen. 333, 14 October 1941, which states: "The term 'travel expenses' ordinarily consists of two classes of expense. The first embraces expenses for transportation and the other embraces expenses of subsistence."

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5. It is, therefore, the opinion of this Office that when dependents are in a travel status incident to the travel of an employee assigned to a permanent-duty station outside the continental United States, its territories or possessions (including transfer to or from such station) per diem in lieu of subsistence may properly be paid to dependents, but that when the employee is transferred between two stations within such area, dependents are not entitled to per diem.

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Office of the General Counsel

OGC:RFB:jeb

cc: OGC chrono

✓ OGC subject - Pay and Allowances-10

signer

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Vital

cc: SSA-DD/S